

cubic centimeter of air, may be permitted for a total of 1 hour each 8-hour day. As used in this subpart, the term asbestos means chrysotile, amosite, crocidolite, anthophyllite asbestos, tremolite asbestos, and actinolite asbestos but does not include nonfibrous or nonasbestiform minerals.

(b) The determination of fiber concentration shall be made by counting all fibers longer than 5 micrometers in length and with a length-to-width ratio of at least 3 to 1 in at least 20 randomly selected fields using phase contrast microscopy at 400–450 magnification.

[41 FR 10223, Mar. 10, 1976. Redesignated at 45 FR 80756, Dec. 5, 1980]

Subpart I—Noise Standard

§ 71.800 Noise standard; general requirements.

Each operator of an underground coal mine and each operator of a surface coal mine shall, during each shift, maintain the noise level to which each miner in each surface installation and at each surface worksite is exposed at or below the maximum noise exposure level prescribed in subpart F, part 70 of this Subchapter O.

[37 FR 6368, Mar. 28, 1972. Redesignated at 45 FR 80756, Dec. 5, 1980]

§ 71.801 Measurement of noise levels.

Each operator shall measure the noise level to which each miner is exposed in each surface installation and at each surface worksite in the manner prescribed in subpart F, part 70, of this subchapter O.

[37 FR 6368, Mar. 28, 1972. Redesignated at 45 FR 80756, Dec. 5, 1980]

§ 71.802 Initial noise exposure survey.

On or before November 13, 1974 each operator shall:

(a) Conduct, in accordance with this subpart, a survey of the noise levels to which each miner in each surface installation and at each surface worksite is exposed during his normal work shift; and,

(b) Report and certify to the Mine Safety and Health Administration and the Department of Health and Human Services, the results of such survey using the Coal Mine Noise Data Report.

(See Figure 1, part 70 of this subchapter.) Reports shall be sent to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978. Redesignated at 45 FR 80756, Dec. 5, 1980 and further amended at 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995]

§ 71.803 Periodic noise exposure survey.

(a) At intervals of at least every 6 months, after November 13, 1974 each operator shall conduct periodic surveys of the noise levels to which each miner in each surface installation and at each surface worksite is exposed and shall report and certify the results of such surveys to the Mine Safety and Health Administration and the Department of Health and Human Services, using the Coal Mine Noise Data Report Form. The interval between each survey shall not be less than 3 months. Reports shall be sent to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

(b) Where no A-scale reading recorded for any miner during an initial or periodic noise exposure survey exceeds 90 dBA, the operator shall not be required to survey such miner during any subsequent periodic noise exposure survey required by this section: *Provided, however,* That the name and job position of each such miner shall be reported in every periodic survey and the operator shall certify that such miner's job duties and noise exposure levels have not changed substantially during the preceding 6-month period.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978. Redesignated at 45 FR 80756, Dec. 5, 1980 and further amended at 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995]

§ 71.804 Supplemental noise exposure survey; reports and certification.

(a) Where the certified results of an initial noise exposure survey conducted

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in accordance with § 71.802 or a periodic noise exposure survey conducted in accordance with § 71.803 indicate that any miner may be exposed to a noise exposure in excess of the permissible noise exposure, the operator shall conduct a supplemental noise exposure survey with respect to each miner whose noise exposure exceeds this standard. This survey shall be conducted within 15 days following notification to the operator by the Mine Safety and Health Administration to conduct such survey.

(b) Supplemental noise exposure surveys shall be conducted by taking noise exposure measurements in accordance with § 70.506 of this Subchapter O; however, noise exposure measurements shall be taken of each individual operation to which the miner under consideration is actually exposed during his normal work shift and the duration of each such exposure shall be recorded.

(c) Each operator shall report and certify the results of each supplemental noise exposure survey conducted in accordance with this section to the Mine Safety and Health Administration and the Department of Health and Human Services using the Coal Mine Noise Data Report Form to record noise level readings taken with respect to all operations during which such measurements were taken.

(d) Supplemental noise exposure surveys shall, upon completion, be mailed to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

(Pub. L. No. 96–511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978. Redesignated at 45 FR 80756, Dec. 5, 1980 and further amended at 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995]

§ 71.805 Violation of noise standard; notice of violation; action required by operator.

(a) Where the results of a supplemental noise exposure survey conducted in accordance with § 71.804 indicate that any miner is exposed to noise levels which exceed the permissible noise levels, the Secretary shall issue a

notice to the operator that he is in violation of this subpart.

(b) Upon receipt of a notice of violation issued pursuant to paragraph (a) of this section, the operator shall:

(1) Institute, promptly, administrative and/or engineering controls necessary to assure compliance with the standard. Such controls may include protective devices other than those devices or systems which the Secretary or his authorized representative finds to be hazardous in such mine.

(2) Within 60 days following the issuance of the first notice of violation of this subpart, submit for approval to a joint Mine Safety and Health Administration/Health and Human Services committee, a plan for the administration of a continuing, effective hearing conservation program to assure compliance with this subpart, including provision for:

(i) Reducing environmental noise levels;

(ii) Personal ear protective devices to be made available to the miners;

(iii) Preplacement and periodic audiograms.

(iv) Those administrative and engineering controls that it has instituted to assure compliance with the standard.

(3) Plans required under paragraph (b)(2) of this section shall be submitted to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

(c) Within 30 days following the issuance of any subsequent notice of violation of this subpart, the operator shall submit in writing:

(1) A statement of the manner in which the plan is intended to prevent the violation or

(2) A revision to its plan to prevent similar future violations.

(Pub. L. No. 96–511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978. Redesignated at 45 FR 80756, Dec. 5, 1980 and further amended at 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995]